

OPINION
54-101

September 7, 1954 (OPINION)

SCHOOL DISTRICTS

RE: Election - Sufficiency of Ballot

In your letter of August 31, 1954 you state that Yellowstone School District No. 14 in McKenzie County, North Dakota, on June 30, 1953 held an election on the question of the establishment of a school building fund. The establishment of such fund was approved at the election, but the form of the ballot used has now been questioned and you ask our opinion as to its legality.

The ballot reads as follows:

"Shall the Yellowstone School District No. 14 increase its building fund levy from 7.35 mills to 10 mills for the purpose of paying off a state building loan."

Your question is whether this form of ballot is sufficient and meets the legal requirement. The school building fund law does not set forth any specific language that must be contained in the ballot when the establishment of a building fund is voted upon. The question then seems to be whether or not the language used in the ballot clearly and intelligently informed the voters what they were voting upon.

The authorities hold that the description should be sufficient, contain a fair portrayal of the chief features of the proposed law in words of plain meaning so that it can be understood by persons entitled to vote.

We believe and hold that in the instant case the ballot was legally sufficient. It informed the voters what the increase in the mill levy would be and for what purpose said increase was to be used. We believe this ballot complies substantially to the form generally used in voting upon the establishment of building funds.

We trust this answers your question.

LESLIE R. BURGUM

Attorney General